

Notice of Allowability

Application No.

10/519,030

Examiner

Katarzyna Wyrozebski

Applicant(s)

MUHLEBACH ET AL.

Art Unit

1796

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 5/19/09.
2. ☒ The allowed claim(s) is/are 11-19 and 23-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/19/09
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Katarzyna Wyrozebski/
Primary Examiner, Art Unit 1796

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Suhadolnik on 5/18/09.

The application has been amended as follows:

Claim 12, line 1, delete term "water" and insert term "aqueous".

Claim 14, line 4, delete "and" and insert ","

Claim 14, line 5, delete "and" and insert ","

Claim 14, line 5, delete "or" and insert "and"

Claim 15 line 3, delete " $\text{CH}_2=\text{C}(\text{R}_a)-(\text{C}=\text{Z})-\text{R}_b$ " and insert " $\text{CH}_2=\text{C}(\text{R}_a)-(\text{C}=\text{O})-\text{R}_b$ or $\text{CH}_2=\text{C}(\text{R}_a)-(\text{C}=\text{S})-\text{R}_b$ "

Claim 15, line 10, delete "Z is oxygen or sulfur"

Claim 28, line 4, delete "and" and insert ","

Claim 28, line 5, delete "and" and insert ","

Claim 28, line 5, delete "or" and insert "and"

Claim 29, line 4, delete "and" and insert ","

Claim 29, line 5, delete "and" and insert ","

Claim 29, line 5, delete "or" and insert "and"

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

In view of updated search report dated 4/3/09 examiner issued advisory action indicating that compound claims would not be allowable due to various references directed just to compounds themselves. The examiner also indicated that disclosures found do not contain limitation of nanocomposite and suggested cancellation of compound claims.

In response to the conducted interview as well as advisory action issued 4/3/09 the applicants have cancelled all compound claims and amended claims to recite nanocomposites and process of making such nanocomposites.

The prior art of record as applied against instant claims is hereby overcome since cited disclosure lack combination of the compounds of the instant invention with clay, wherein the mixture is added to monomers and wherein the monomers are polymerized in situ with the clay mixture. In view of the above discussion pending claims 11-19 and 23-31 are passed to issue. `

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 8:30 AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Katarzyna Wyrozebski/
Primary Examiner, Art Unit 1796
May 19, 2009